

ACTS OF THE PARLIAMENT OF CANADA

PASSED IN THE SESSION HELD IN THE
FIRST YEAR OF THE REIGN OF HER MAJESTY
QUEEN ELIZABETH II

BEING THE
SIXTH SESSION OF THE TWENTY-FIRST PARLIAMENT

Begun and holden at Ottawa, on the Twenty-eighth day of February, 1952,
and prorogued on the Twentieth day of November, 1952.



HIS EXCELLENCY THE RIGHT HONOURABLE
VINCENT MASSEY
GOVERNOR GENERAL

PART II
LOCAL AND PRIVATE ACTS, NOT INCLUDING
DIVORCE ACTS

An index to Divorce Acts may be found at back of this volume.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952



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1 ELIZABETH II.

CHAP. 56.

An Act respecting The Burrard Inlet Tunnel and Bridge Company.

[Assented to 18th June, 1952.]

WHEREAS The Burrard Inlet Tunnel and Bridge Company has by its petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Preamble.
1910, c. 74;
1913, c. 80;
1914, c. 73;
1916, c. 34;
1918, c. 61;
1920, c. 74;
1922, c. 54;
1924, c. 76;
1931, c. 63.

1. Section seven of the Act to incorporate The Burrard Inlet Tunnel and Bridge Company, chapter seventy-four of the statutes of 1910, as enacted by section two of chapter seventy-six of the statutes of 1924 is repealed, and the following substituted therefor:

“**7.** The board of directors shall consist of six members Directors. and shall be made up as follows:

Two representatives of the Corporation of the District of North Vancouver both of whom shall be members of the municipal council of the District to be nominated by resolution of the council;

Two representatives of the Corporation of the City of North Vancouver both of whom shall be members of the municipal council of the City to be nominated by resolution of the council;

One representative of the Corporation of the District of West Vancouver who shall be a member of the municipal council of the District to be nominated by resolution of the council;

One representative of the City of Vancouver who shall be a member of the city council to be nominated by resolution of the council.”

2. Section eight of the said Act, as enacted by section one of chapter sixty-three of the statutes of 1931, is amended by adding thereto the following subsections:

May charge tolls.

Board of Transport Commissioners to have jurisdiction.

By-laws respecting traffic.

Agreements with other companies.

"(2) In addition to its right to charge tolls under the provisions of the *Railway Act* the Company may charge and collect tolls in respect of the use for pedestrian and vehicular and other like traffic of the said bridge or the bridge as reconstructed, or the ways and approaches connected therewith and owned or operated by the Company.

(3) The Board of Transport Commissioners for Canada shall have jurisdiction and control over the tolls to be charged in respect of such use for pedestrian and vehicular and other like traffic on, over or across the bridge or the bridge as reconstructed or the said ways and approaches and all the provisions of the *Railway Act* relating to tolls and tariffs shall apply *mutatis mutandis*.

(4) The Company may, subject to the provisions and restrictions in the *Railway Act* contained and subject to any orders or regulations of the Board of Transport Commissioners for Canada made under the authority of the *Railway Act*, make by-laws, rules or regulations respecting the traffic mentioned in subsections two and three including the speed of vehicles, and sections two hundred and ninety-one to two hundred and ninety-seven inclusive of the *Railway Act* shall apply to any such by-law, rule or regulation of the Company."

3. Section fourteen of the said Act, as enacted by section four of chapter seventy-six of the statutes of 1924, is repealed and the following substituted therefor:

"14. Subject to the provisions of sections one hundred and fifty-one, one hundred and fifty-two and one hundred and fifty-three of the *Railway Act*, the Company may enter into agreements with all or any of the companies hereinafter mentioned for any of the purposes specified in the said section one hundred and fifty-one, such companies being the Canadian Pacific Railway Company, the Grand Trunk Pacific Railway Company, the Canadian Northern Railway Company, the Great Northern Railway Company, the Northern Pacific Railroad Company, the Chicago, Milwaukee and St. Paul Railroad Company, the Vancouver, Westminster and Yukon Railway Company, the Howe Sound, Pemberton Valley and Northern Railway Company, the Vancouver Power Company, Limited, the British Columbia Electric Railway Company, the Canadian National Railway Company, the Pacific Great Eastern Railway Company and the National Harbours Board."

1 ELIZABETH II.

CHAP. 57.

An Act to incorporate Ogdensburg Bridge Authority.

[Assented to 4th July, 1952.]

WHEREAS a petition has been presented praying that Preamble. the persons hereinafter mentioned may be constituted a corporation for the purposes and with the powers herein-after stated, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Frank A. Augsbury, Franklin R. Little, Gerald L. Incorporation. McEvoy, Francis B. Burns, John C. Tulloch, Clarence W. Skelly and Lawrence F. Cuthbert, all of the city of Ogdensburg in the state of New York, and Duncan K. MacTavish and Ronald C. Merriam, both of the city of Ottawa in the province of Ontario, together with such persons as become shareholders in the company, are incorporated under the Corporate name. name of Ogdensburg Bridge Authority, hereinafter called "the Company".

2. The works and undertaking of the Company are Declaratory. declared to be for the general advantage of Canada.

3. The persons named in section one are constituted the Provisional directors. provisional directors of the Company, and they shall have all the powers which are conferred upon directors elected by the shareholders.

4. The capital stock of the Company shall be one million Capital stock. dollars divided into one hundred thousand common shares without nominal or par value.

5. The head office of the Company shall be in the town Head office. of Prescott in the province of Ontario, Canada.

6. The annual meeting of the shareholders shall be held Annual meeting. at such place and at such time in each year as may be determined from time to time by the directors.

Number of
directors.

7. The number of directors shall not be less than three nor more than nine, one or more of whom may be paid directors.

Powers to
construct
bridge

8. The Company may construct, maintain and operate a bridge across the St. Lawrence River for the passage of pedestrians, vehicles and carriages and for any other like purpose, with all necessary approaches, roads and works from a point in the town of Prescott, in the province of Ontario or within a distance of five miles easterly or westerly from the easterly or westerly limits of the said town of Prescott over the St. Lawrence River respectively to a point at or near the city of Ogdensburg or the county of St. Lawrence in the state of New York, so as not to interfere with navigation, and may purchase, acquire and hold such real estate, including lands for siding, bridge heads and other equipment required for the convenient working of traffic to, from and over the said bridge as the Company thinks necessary for any of the said purposes.

Expropria-
tion.

9. The Company may

(a) expropriate and take any lands actually required for the construction, maintenance and operation of the bridge or may expropriate and take an easement in, over, under or through such lands without the necessity of acquiring a title in fee simple thereto after the plan of such lands has been approved by the Governor in Council; and all provisions of the *Railway Act* applicable to such taking and acquisition shall apply as if they were included in this Act; and all the provisions of the *Railway Act* which are applicable shall in like manner apply to the ascertainment and the payment of the compensation for or damages to land arising out of such taking and acquisition or the construction or maintenance of the works of the Company;

R.S c 170.
Abandonment
of land to
reduce
damage and
assessment and
award of
damages.

(b) in reduction of the damage or injury to any lands taken or affected by such authorized works, abandon or grant to the owner or party interested therein, any portion of such lands, or any easement or interest therein, or make any structures, works or alterations in or upon its works for such purposes. And if the Company by its notice of expropriation or some subsequent notice, prior to the first meeting of the arbitrators, specify its decision to take only such easement or undertake to abandon or grant such lands or easement or interest in lands, or to make such structures or works or alterations, the damages (including damages if any, resulting from the change in the notice of expropriation) shall be assessed by the arbitrator or

arbitrators appointed pursuant to the provisions of the *Railway Act*, in view of such specified decisions or undertaking, and the arbitrator or arbitrators shall declare the basis of their award accordingly, and such award, as well as such specified decision or undertaking of the Company, may be enforced by the Board of Transport Commissioners for Canada;

(c) enter into and upon any lands, buildings or structures proximate to the said bridge for the purpose of ascertaining the state of repair thereof, and for devising the best means of avoiding any possible damage which the execution of the authorized works might occasion thereto, and make upon or in connection therewith any works, repairs or renewals, for the purpose of preventing or mitigating any such damage, and the Company shall make compensation in the manner specified in the *Railway Act*, to all persons interested for the damage sustained by them, if any, by reason of the exercise of the powers in this paragraph contained; and section two hundred and thirty-nine of the *Railway Act* shall apply to the exercise of the powers in this paragraph granted so far as is necessary to enable the Company to carry them into effect.

Right of entry and compensation for damages.

R.S., c. 170.

10. Subject to the provisions of the *Railway Act*, the Company may charge tolls for the use of the said bridge or approaches and facilities and may regulate the tolls to be charged.

Tolls and revenues.

11. Subject to the provisions of section eight of this Act as to location, the said bridge shall be constructed and located under and be subject to such regulations for the security of navigation of the said river, as the Governor in Council prescribes and to such end the Company shall submit to the Governor in Council, for examination and approval, a design and drawing of the bridge, and a map of the location, giving the soundings accurately, showing the bed of the stream and the location of other bridges, and shall furnish such other information as is required for a full and satisfactory understanding of the subject, and until the said plans and location are approved by the Governor in Council the bridge shall not be built or commenced; and if any change is made in the plans of the said bridge during its construction, such change shall be subject to the approval of the Governor in Council and shall not be made or commenced until it is so approved.

Location of bridge.

12. (1) The Company may issue bonds, debentures or other securities in aid of the construction herein mentioned, to an amount not exceeding twelve million dollars.

Bonding powers.

Mortgages.

(2) For the purpose of securing the issue of such bonds the Company may execute a mortgage or mortgages, not inconsistent with law or with the provisions of this Act, in such form and containing such provisions as are approved by a resolution passed at a special meeting of the shareholders called for the purpose.

Tolls and revenues.

(3) The Company may charge and bind the tolls and revenues of the property to which any such mortgage relates in the manner and to the extent therein specified.

Interest on bonds, etc.

(4) The bonds, debentures and other securities of the Company, or any of the companies referred to in sections fifteen and sixteen of this Act may, pursuant to any arrangement in that behalf, be made payable at such times and in such manner and at such place or places in Canada, or elsewhere, and may bear such rate of interest not exceeding seven per centum per annum as the directors think proper.

Directors may issue paid-up stock.

13. Subject to the provisions of the *Companies Act*, the directors may issue as paid-up stock shares of the capital stock of the Company in payment for any businesses, franchises, undertakings, rights, powers, privileges, letters patent, inventions, real estate, stocks, assets and other properties which the Company may lawfully acquire, and may, for such considerations, allot and hand over such shares to any person or corporation, or its shareholders or directors; and any such issue or allotment of stock shall be binding upon the Company and such stock shall not be assessable for calls, nor shall the holder thereof be liable in any way thereon; or the Company may pay therefor wholly or partly in paid-up shares or wholly or partly in debentures as may be agreed upon.

Amalgamation with other companies.

14. The Company may make agreements with any company, body or commission, incorporated or created under the laws of Canada or under the laws of the United States of America, or the state of New York, respecting the financing, controlling, construction, maintenance and use of the said bridge and its appurtenances and acquiring the approaches and lands therefor in the state of New York, as well as in Canada, and may unite with any such company, body or commission in financing, controlling, building, working, managing, maintaining and using the said bridge, terminals and approaches, and may amalgamate with any such company, body or commission on such terms and conditions as may be agreed upon and subject to such restrictions as the directors deem fit, and may assign, transfer and convey to any such company, body or commission at any time before the completion of the said bridge, such part, if any, of the said bridge as may then have been constructed, and all rights and powers acquired by the

Company, including those rights and powers acquired under this Act, and also all the franchises, surveys, plans, works, plant, machinery and other property to it belonging upon such terms and conditions as may be agreed upon by the directors: Provided that such agreement or agreements, ^{proviso.} amalgamation, union, assignment, transfer or conveyance shall have been first approved by the holders of two-thirds of the shares at a special general meeting of the shareholders, duly called for the purpose of considering it, at which meeting shareholders representing at least two-thirds in number of the subscribed shares of the Company are present, or represented by proxy, and that such agreement or agreements, amalgamation, union, assignment, transfer or conveyance shall also have received the sanction of the Governor in Council and certified copies thereof shall be filed forthwith in the office of the Secretary of State for Canada.

15. Upon an amalgamation agreement being sanctioned by the Governor in Council under the last preceding section, the companies or parties to such agreement shall be amalgamated, and shall form one company or body under the name and upon the terms and conditions in such agreement provided; and the amalgamated companies or parties shall possess and be vested with the undertakings, powers, rights, privileges, franchises and properties, real, personal and mixed, belonging to, possessed by, or vested in the companies or parties to such agreement, or either of them, or to which they or either of them may be or become entitled and shall be liable for all claims, debts, obligations, works, contracts, agreements or duties, to as full an extent as the said companies or parties were or either of them was at the time the said amalgamation took effect. Agreement for amalgamation.

16. Subject to the approval of the Governor in Council, the said new or amalgamated company or body may from time to time borrow such sums of money, not exceeding ten million dollars, as may be necessary for constructing and completing the said bridge, and for the acquiring of the necessary lands therefor, and may mortgage its property, assets, rents and revenues, present, and future, or such portion thereof as may be described in the mortgage deed, to secure the payment thereof. Borrowing powers.

17. The Company, in lieu of issuing its own bonds or other securities, shall have power to mortgage, pledge or hypothecate all its assets and undertakings, rights, franchises, and privileges, both present and future, jointly and in conjunction with any of the companies or bodies referred to in sections fourteen, fifteen and sixteen of this Act, to Securing payment of bonds.

Proviso.

secure payment of any bonds or other securities issued by such other company or body for the joint purposes of the Company and such other company or body in connection with the construction of the said bridge under any arrangement which may be entered into between the Company and such other company or body in respect thereof, and to execute and deliver mortgages or deeds of trust by way of mortgage to secure such payment: Provided, always, that the Company shall not mortgage, pledge or hypothecate its assets, undertakings, rights, franchises and privileges or secure payment of any bonds or other securities to a greater amount than twelve million dollars.

Time for commencement and completion of bridge.

Proviso.

18. (1) The construction of the said bridge shall be commenced within three years after the Governor in Council and the Executive of the United States of America or other competent authority therein, have approved of such bridging and shall be completed within eight years after such commencement, otherwise the powers granted by this Act shall cease and be null and void as respects so much of the undertaking as then remains uncompleted: Provided, however, that if such approval is not obtained within five years after the passing of this Act, the powers granted for the construction of the said bridge shall cease and be null and void.

Construction not to commence until \$50,000 deposited.

(2) Construction of the said bridge shall not be commenced until a sum of at least fifty thousand dollars has been paid into the Treasury of the Dominion of Canada, which sum shall not be withdrawn until the said bridge has been opened for public use and a certificate of the chief engineer of the Company, or amalgamated body or company, to that effect has been filed with the Minister of Finance, and such sum shall be forfeited to Her Majesty upon the order of the Governor in Council if the said bridge is not completed within the time specified in this section.

Retirement of stock and obligations.

19. (1) The Company and all companies or authorities mentioned in sections fourteen, fifteen, sixteen and seventeen with which the Company has united or become amalgamated shall enact and prescribe by by-law the manner and periods in which the corporate obligations and stock of the Company, companies or authorities shall be retired, and the Company and each of said companies or authorities shall submit every such by-law so enacted to the Governor in Council for approval; and no issue of bonds of the Company or any such company or authority shall be sold or offered for sale unless and until such by-law or by-laws shall have been so enacted and approved.

When property to be conveyed to Canada, etc.

(2) When the corporate obligations and stock of the Company and of any of the companies or bodies mentioned in sections fourteen, fifteen, sixteen and seventeen of this

Act, with which the Company shall join or unite in the construction of said bridge, have been retired, in the manner prescribed in their by-laws, then such bridge and the approaches thereto and all appurtenant structures, property, property rights and franchises, so far as the same are located within the United States of America shall be conveyed by the Company, its successors and assigns, without cost or expense to the state of New York or to such municipality or agency of the state of New York as the legislature of said state may designate, and so far as the same are located within Canada shall be conveyed, without cost or expense to Canada or to such province, municipality or agency thereof as the Governor in Council may designate, and all rights, title and interest of the Company, its successors and assigns, in such bridge and the approaches thereto and all appurtenant structures, property, property rights and franchises, so far as the same are located within Canada, shall then cease and determine: Provided, always, that the ^{Proviso.} period for payment of the obligations of the companies or bodies and the retirement of their capital stock and any extension thereof and the provisions of the by-laws of the companies or bodies in respect thereof shall have been previously approved by the Governor in Council.

20. The Company may receive by grant from any ^{May accept grants.} government, municipality or persons, as aid in the construction, equipment and maintenance of the said bridge and works connected therewith, any real or personal estate or property, or any sums of money, debentures or subsidies, either as gifts by way of bonus or guarantee, or in payment or as subventions for services and may dispose thereof, and may alienate such of the said property as is not required for the purposes of the Company in carrying out the provisions of this Act.

21. Notwithstanding anything in this Act contained the ^{Rights of municipalities saved.} Company shall not locate, construct or operate any of the works mentioned in this Act upon or connect the same with any highway, street or other public place, without first obtaining the consent expressed by by-law of the municipality having jurisdiction over such highway, street or other public place, and except upon terms to be agreed upon with such municipality, and failing such consent, within sixty days from the date of the request made in writing by the Company for such consent to the said municipality, then upon such terms as are fixed by the Board of Transport Commissioners for Canada.

“Bridge”
defined.

22. Whenever in this Act the expression “bridge” occurs, it means, unless the context otherwise requires, the bridge, approaches, lands, works and facilities by this Act authorized.

Repeal.

23. Chapter seventy-seven of the statutes of 1946 is repealed.

*The Com-
panies Act,
1934, to apply.* **24.** *The Companies Act, 1934,* shall, so far as it is not inconsistent with the provisions of this Act, apply to the Company.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

1 ELIZABETH II.

CHAP. 58.

An Act respecting The British Northwestern Fire Insurance Company.

[Assented to 29th May, 1952.]

WHEREAS The British Northwestern Fire Insurance Company has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The name of The British Northwestern Fire Insurance Company, a company incorporated by chapter seventy of the statutes of 1910, hereinafter called "the Company", is hereby changed to "British Northwestern Insurance Company", but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any way affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

Name
changed.

Rights saved.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

1 ELIZABETH II.

CHAP. 59.

An Act to incorporate The Canadian Shipowners Mutual Assurance Association.

[Assented to 4th July, 1952.]

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Melvyn Graham Angus, Phrixos B. Papachristidis, steamship executives of the city of Westmount, Charles Clifford Lawes, steamship executive of the town of Hampstead, Frederic Leslie Parsons, steamship executive of the city of Montreal, Leslie James Pattington, steamship executive of the town of Montreal West, all in the province of Quebec, Andrew Brown Graham, steamship executive of the city of Vancouver, in the province of British Columbia, and Harry Isaac Mathers, steamship executive of the city of Halifax, in the province of Nova Scotia, together with such persons as may enter for insurance any ship in the Association, are incorporated under the name of "The Canadian Shipowners Mutual Assurance Association", hereinafter called "the Association".

Corporate name.

2. The head office of the Association shall be in the city of Montreal, in the province of Quebec, or at such other place in Canada as the board of directors may from time to time determine.

Head office.

3. The Association may:—

(a) carry on upon either the cash premium or the mutual system, marine insurance business, that is to say, the business of effecting and carrying out contracts of insurance upon ships or upon the machinery, tackle,

Powers of the Association.
Mutual system of marine insurance.

furniture or equipment of ships, or upon goods, merchandise or property of any description whatever on board ships, or upon the freight of, or any other interest in, or relating to, ships or against damage arising out of or in connection with the use of ships, including third party risks, or against risks incidental to the construction, repair or docking of ships, including third party risks, or against transit risks on seas or inland waterways or incidental delay or transit otherwise than by water and upon either the cash premium or mutual system, generally insure members of the Association against any liabilities incurred by them as owners of ships and all other interests of members which are usually or properly covered by or included in insurances, with respect to ships and interests therein or relating thereto, and the Association may create and operate any separate class of insurance subject to the condition that no member of any other separate class as such shall be liable to contribute in respect thereof;

Re-insurance.

May pay claims against the Association, etc.

May join, co-operate with or become a member of Society having object similar to those of the Association.
May hold real and personal property and lend money.

May give guarantees.
Amalgamation.
Expenses.

Agencies and branches.

- (b) re-insure or accept re-insurance of any risk insured or which could be insured by the Association;
- (c) pay, satisfy or compromise any claims made against the Association which it may be deemed expedient to pay, satisfy or compromise whether or not the claims may be valid in law and make gratuitous payments to any person being an assignee, chargee, legal personal representative, trustee in bankruptcy or liquidator of a member or former member in relation to ships entered by such member or former member for insurance in the Association;
- (d) join, co-operate with, or become a member of, any society, committee or association having for its object or included in its objects the defence or advancement of the interests of shipowners as a body by joint or concerted action, and support and contribute to the funds of any such society, committee or association;
- (e) acquire and hold real estate and invest or lend its funds, or any portion thereof, subject, however, to the provisions, limitations and conditions that apply in that behalf to a company registered under Part III of *The Canadian and British Insurance Companies Act, 1932*;
- (f) give any guarantee that may be deemed expedient;
- (g) amalgamate with any other association or any company;
- (h) pay out of the funds of the Association all or any of the expenses of or incidental to the formation and organization thereof, or which the Association may consider to be preliminary;
- (i) establish agencies and branches;

- (j) draw, make, accept, endorse, discount, execute Bills and notes. and issue promissory notes, bills of exchange, bills of lading, warrants and other negotiable or transferable instruments;
- (k) do all or any of the above things as principal, May act as principal, agent, etc. agent, contractor, or otherwise, and either alone or in conjunction with others; and
- (l) do all such other things as are incidental or the General Association may think conducive to the attainment of the above purposes or any of them.

4. (1) Every owner, owners in partnership, owners Membership in the Association. holding separate shares in severalty, part owner, mortgagee, trustee or charterer of a ship, who enters for insurance upon the mutual system any ship in the Association, shall be and become a member of the Association as from the date of the commencement of such insurance.

(2) A member shall cease to be a member *ipso facto*

- (a) in the case of an individual, upon his death or if he become bankrupt or make any arrangement or composition with his creditors generally;
- (b) in the case of a company or corporation, if it become bankrupt or be wound-up; or
- (c) if a member shall cease to have any ship entered for insurance in the Association:

Provided, always, that such member, his estate, legal Proviso. personal representatives or trustee in bankruptcy or liquidator, as the case may be, shall be and remain liable to pay to the Association all such contributions and moneys as under this Act and the by-laws and rules of the Association such member would have been liable to pay had he not ceased to be a member in respect of claims, expenses or outgoings arising or obligations incurred up to and including the date of cesser of membership;

(3) Where any ship or part thereof or proportion of the insured value thereof or share therein is entered for insurance in the Association all owners of such ship or part thereof or proportion of the insured value thereof or share therein so entered shall be deemed to be joint members. Joint members shall for the purpose of any contribution falling due pursuant to this Act or by-laws or rules of the Association be treated as one member but shall be jointly and severally liable in respect thereof.

(4) Membership shall not be transferable nor transmissible. Membership not transferable.

(5) Every director whilst holding office as such shall ex officio be a member of the Association. Director a member.

(6) The directors of the Association shall be at liberty to refuse any application for entry of a ship for insurance in the Association. Directors may refuse application for insurance.

Voting.

(7) No member shall, unless the directors otherwise determine, be entitled to vote at any meeting of the Association, either personally or by proxy, unless all sums due by said member to the Association have been paid.

Board of directors.

5. The affairs of the Association shall be administered by a board of not less than nine nor more than twenty-one directors, and the persons named in section one of this Act shall be the directors of the Association, until replaced by others duly elected in their stead.

Member eligible for election as a director.

6. Every member shall be eligible for election as a director and if the member is a partnership, a partner or an officer of such partnership shall be eligible as a director, and if the member is a company or corporation, a director or officer of such company or corporation shall be eligible as a director.

Directors to administer affairs of Association.

7. The directors may, in all things, administer the affairs of the Association, and may make or cause to be made for the Association any description of contract which the Association may, by law, enter into.

By-laws.

8. The directors may make by-laws, not contrary to law or to this Act, for

- (a) the time and place for the holding of the annual meeting of the Association, the calling of meetings, regular and special, of the directors and of the Association, the requirements as to quorum, right to vote, the number of votes to which each member will be entitled depending upon the total sum entered by him in the Association for insurance, proxies and the procedure in all things at such meetings;
- (b) the election, rotation, disqualification and removal of directors, the number of directors, provided that said number shall not be less than nine nor more than twenty-one, their term of office and, if the number is increased within the limits prescribed by this Act, for the election of directors necessary to fill the vacancies thereby created, and the remuneration of directors;
- (c) the appointment, functions, duties and removal of all agents, officers and servants of the Association, and their remuneration;
- (d) the appointment, duties, rights, removal and remuneration of managers of the Association;
- (e) the imposition and recovery of all penalties and forfeitures admitting of regulation by by-law;
- (f) the creation and operation of separate classes of insurance within the Association and the rules pertaining to each such class; the keeping of separate accounts for each class and the holding of separate meetings of members of each class;

- (g) the handling of claims of members in respect of insurance;
- (h) the election of an executive committee consisting of not less than three directors of whom a majority shall form a quorum, which executive committee may exercise such powers of the board of directors as said board may by resolution delegate to it from time to time, subject to any restrictions contained in any such resolution and to any regulations imposed from time to time by the directors;
- (i) the determination of the financial year of the Association, the books of account to be kept by the Association and the appointment, rights and duties of the auditor or auditors of the Association;
- (j) the conduct, in all other particulars, of the affairs of the Association.

9. The directors may, from time to time, repeal, amend or re-enact any such by-law: Provided that every such by-law, <sup>Repeal, etc.,
of by-laws.</sup> repeal, amendment or re-enactment, unless in the meantime confirmed at a general meeting of the Association duly called for that purpose, shall only have force until the next annual meeting of the Association and, in default of confirmation thereat, shall from the time of such default cease to have force or effect. ^{Proviso.}

10. If a call upon any policy be not paid within sixty ^{Calls.} days after the posting of the notice of the call to the member, the Association may sue for and recover the amount of such call and interest thereon with costs of suit, and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment.

11. The Association shall be subject to the provisions <sup>Winding-up
Act.</sup> of the *Winding-up Act.*

12. The Association shall cause a book or books to be kept by the secretary, or by some other officer specially charged with that duty, wherein shall be kept recorded <sup>Association
shall cause
books to be
kept by the
secretary.</sup>

- (a) the names, alphabetically arranged, of all persons who are or have been members;
- (b) the address and calling of every such person, while such member;
- (c) the name, port of registry, name of owner of each ship entered for insurance by each member;
- (d) the amounts paid in, and remaining unpaid, respectively, on each ship of each member;
- (e) the names, addresses and callings of all persons who are or have been directors of the Association, with the several dates at which each became or ceased to be such director.

Evidence.

Books of
Association
prima facie
evidence.

13. A copy of any by-law of the Association, under its seal, and purporting to be signed by any officer of the Association, shall be received as *prima facie* evidence of such by-law in all courts in Canada.

Evidence of
membership,
etc.

14. All books required by this Act to be kept by the secretary or by any other officer of the Association charged with that duty shall, in any suit or proceeding be, as against the Association or against any member, *prima facie* evidence of all facts purporting to be therein stated.

Director may
contract with
the
Association.

15. In any action by the Association to enforce payment of any call upon a policy or interest on such call, a certificate, under the seal of the Association and purporting to be signed by any officer of the Association, to the effect that the defendant is a member, that the call or calls have been made to enforce payment of which or of any interest thereon such action has been brought, and that so much is due by him and unpaid thereon, shall be received in all courts as *prima facie* evidence.

Director's
interest
to be
declared.

16. (1) No director shall be disqualified by his office from contracting with the Association either as vendor, purchaser or otherwise, nor shall any such contract or any contract or arrangement entered into by or on behalf of the Association in which any director shall be in any way interested be avoided nor shall any director so contracting or being so interested be liable to account to the Association for any profit realized by any such contract or arrangement by reason of such director holding that office or of the fiduciary relationship thereby established.

(2) The nature of a director's interest must be declared by him at the meeting of the directors at which the question of entering into the contract or arrangement is first taken into consideration, or, if the director was not at the date of that meeting interested in the proposed contract or arrangement, at the next meeting of the directors held after he became so interested, and, in a case where the director becomes interested in a contract or arrangement after it is made, at the first meeting of the directors held after he becomes so interested.

Declaration
of interest.

(3) A general notice to the directors by a director that he is a member of any specified firm or company and is to be regarded as interested in any contract or arrangement which may after the date of the notice be made with such firm or company shall, if such director shall give the same at a meeting of the directors or shall take reasonable steps to secure that the same is brought up and read at the next meeting of the directors after it is given, be deemed to be a sufficient declaration of interest in relation to

such contract or arrangement under this section, and after such general notice it shall not be necessary to give any special notice relating to any particular contract or arrangement with such firm or company.

(4) A director shall not as a director vote in respect of any contract or arrangement which he shall make with the Association or in which he is so interested as aforesaid and if he do so vote his vote shall not be counted nor shall he be counted in the quorum present upon a motion in respect of any such contract or arrangement, but neither of these prohibitions shall apply to any contract by or on behalf of the Association to give to the directors or any of them any security by way of indemnity or in respect of any advances made by them or any of them nor to any contract or dealing with a corporation where the sole interest of a director is that he is director, member or creditor of such corporation.

Voting by
director who
has interest,
etc.

17. Every director or officer of the Association and his heirs, executors and administrators, and estate and effects, respectively, shall be indemnified and saved harmless out of the funds of the Association, from time to time and at all times, from and against

Indem-
nification of
directors.

- (a) all costs, charges and expenses whatsoever which such director or officer sustains or incurs in or about any action, suit or proceeding which is brought, commenced or prosecuted against him, for or in respect of any act, deed, matter or thing whatsoever made, done or permitted by him in or about the execution of the duties of his office;
- (b) all other costs, charges and expenses which he sustains or incurs, in or about or in relation to the affairs thereof, except such costs, charges or expenses as are occasioned by his own wilful neglect or default.

18. In the event of the winding-up of the Association, if the assets on hand at the date of the winding-up order are insufficient to pay all the liabilities of the Association in full, in addition to his liability for calls in respect of losses on policies underwritten by the Association, each member of the Association at the time of such winding-up order and those who were members within one year of such winding-up order, shall be liable for the payment of the debts and liabilities of the Association and the costs, charges and expenses of winding-up the Association, and for the adjustment of the rights of contributors amongst themselves up to an amount of twenty-five dollars, irrespective of the number of ships they may have or have had insured in the Association and for no more.

In event of
winding-up if
assets of
Association
insufficient to
pay all
liabilities of
Association
in full.

Procedure.

Assets
remaining in
event of
winding-up.

19. In the event of the Association being wound-up, the assets of the Association remaining after payment of all the debts and liabilities of the Association and all costs, charges and expenses of winding-up the same shall be distributed amongst the members of the Association in proportion to the amounts of the contributions payable by them, respectively, to the Association during the period of six years immediately preceding the date of the winding-up order of the Association and actually paid by them respectively, and the certificate of the liquidator as to the amounts of the contributions so payable and paid shall be conclusive.

Annual
statement to
be filed with
Minister of
Finance.

20. The Association shall file annually with the Minister of Finance, within two months after the end of its financial year, a statement of the condition and affairs of the Association as at the end of its last financial year, in such form or forms as the Minister may from time to time determine.

1932, c. 46.

21. Except as provided in section three, the provisions of *The Canadian and British Insurance Companies Act, 1932*, shall not apply to the Association.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

1 ELIZABETH III.

CHAP. 60.

An Act respecting The Economical Mutual Fire Insurance Company.

[Assented to 18th June, 1952.]

WHEREAS The Economical Mutual Fire Insurance Company, a corporation incorporated by chapter fifty-four of the statutes of 1936, has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The name of “The Economical Mutual Fire Insurance Company”, hereinafter called “the Company”, is hereby changed to “The Economical Mutual Insurance Company”, but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Company, nor in any way affect any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Company, which, notwithstanding such change in the name of the Company, may be prosecuted, continued, completed and enforced as if this Act had not been passed.

2. This Act shall come into force on the first day of September, one thousand nine hundred and fifty-two.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

1 ELIZABETH II.

CHAP. 61.

An Act to incorporate Equitable Fire Insurance Company of Canada.

[Assented to 18th June, 1952.]

WHEREAS a petition has been presented praying that Preamble. it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Georges de Léry Demers, barrister, of the city of Incorporation. Quebec, Jacques de Billy, one of Her Majesty's counsel, of the city of Lévis, and Dominique Charbonneau, managing director, of the city of Montreal, province of Quebec, together with such persons as become shareholders in the company or as become policyholders on the mutual system of the company, are incorporated under the name, in English, of "Equitable Fire Insurance Company of Canada", and in French: "Compagnie Equitable d'Assurance Incendie du Canada", hereinafter called "the Company" and either the English or the French name of the Company may be used in carrying on the business or operations of the Company. Corporate name.

2. The persons named in section one of this Act shall be Provisional directors. the provisional directors of the Company.

3. The head office of the Company shall be in the city of Head office. Montreal, in the province of Quebec.

4. The capital stock of the Company shall be five hundred Capital stock. thousand dollars, divided into shares of one hundred dollars each.

5. The amount to be subscribed before the general Subscription before general meeting. meeting for the election of directors is called shall be one hundred thousand dollars.

Classes of insurance authorized.

6. The Company may make contracts of insurance on the cash premium system or on the mutual system for:

- (a) fire insurance,
- (b) accident insurance,
- (c) aircraft insurance,
- (d) automobile insurance,
- (e) boiler insurance,
- (f) credit insurance,
- (g) earthquake insurance,
- (h) explosion insurance,
- (i) falling aircraft insurance,
- (j) forgery insurance,
- (k) guarantee insurance,
- (l) hail insurance,
- (m) impact by vehicles insurance,
- (n) inland transportation insurance,
- (o) live stock insurance,
- (p) machinery insurance,
- (q) marine insurance,
- (r) personal property insurance,
- (s) plate glass insurance,
- (t) real property insurance,
- (u) sickness insurance,
- (v) sprinkler leakage insurance,
- (w) theft insurance,
- (x) water damage insurance,
- (y) weather insurance,
- (z) windstorm insurance.

Subscription and payment of capital before commencing business.

7. (1) The Company shall not commence any business of insurance until at least two hundred thousand dollars of its capital stock has been *bona fide* subscribed and at least one hundred thousand dollars paid thereon. It may then transact the business of fire insurance and, in addition thereto, civil commotion insurance, earthquake insurance, limited or inherent explosion insurance, falling aircraft insurance, impact by vehicles insurance, hail insurance, sprinkler leakage insurance, weather insurance, water damage insurance, and windstorm insurance, limited to the insurance of the same property as is insured under a policy of fire insurance of the Company.

Other classes of insurance.

(2) Except as otherwise provided by *The Canadian and British Insurance Companies Act, 1932*, the Company shall not transact the other classes of insurance business authorized by section six of this Act, or any of them, until the paid capital together with the surplus of the Company amounts to six hundred thousand dollars.

“Surplus” defined.

(3) In this section the word “surplus” means the excess of assets over liabilities, including the amount paid on account of capital stock and the reserve of unearned

premiums calculated *pro rata* for the unexpired term of all policies of the Company in force.

8. (1) Every policyholder on the mutual system of the Company shall be a member thereof during the period specified in his policy and shall, during such period, be subject to the provisions of this Act and the by-laws of the Company, but he may without the consent of the Company withdraw therefrom upon the terms and conditions hereinafter specified.

(2) Every such policyholder shall before he receives his policy deposit his note or undertaking (hereinafter called a deposit note) payable on demand to the Company only, endorsed to the satisfaction of the directors, and for a sum of money proportioned according to the classification of risks established by the directors.

9. At all meetings of the Company, each policyholder on the mutual system who is not in default in respect of any assessment on his deposit note shall have one vote for each one thousand dollars of insurance on the mutual system held by him, and may not vote by proxy unless the proxy himself is a policyholder and entitled to vote: Provided that no policyholder shall hold proxies for members to an amount exceeding ten thousand dollars.

10. The Company shall provide by by-law for the election of a majority of the board of directors by the shareholders and of the balance of the board by the policyholders on the mutual system, provided that the directors elected by the policyholders on the mutual system shall form not less than one-third of the board. Any policyholder on the mutual system who is not a shareholder and who holds a policy or policies on the mutual system to the amount of at least one thousand dollars shall be eligible as a policyholders' director, but he shall cease to be such director if the amount of his insurance as aforesaid becomes reduced below the sum of one thousand dollars.

11. (1) A cash payment on account of the deposit note in such amount as the directors may determine by their by-laws may be demanded and received from the policyholder on the mutual system before he obtains his policy and the remainder shall be payable wholly or in part at any time when the directors deem the same to be necessary for the payment of the losses or expenses of the Company.

(2) The directors shall by by-law establish an entrance fee payable before any policy on the mutual system is issued. Such entrance fee shall not exceed ten per centum of the total amount of the deposit note and when paid shall be deemed to be a payment on the deposit note and to have been fully earned at the date of payment.

Policyholders
to be
members.

Deposit of
note.

Voting at
meetings.

Proxies.

Election of
directors.

Cash
payment on
deposit note.

Entrance fee.

Liability
for losses and
expenses.

(3) Every policyholder on the mutual system shall pay his proportion of all losses and expenses incurred, and the deposit notes belonging to the Company shall be assessed under the direction of the board of directors at such intervals from their respective dates, for such sums as the directors determine, and for such further sums as they may think necessary to meet the losses and other expenditure incurred during the currency of the policies for which the said notes were given, and in respect to which they are liable to assessment. Every policyholder on the mutual system shall pay such sums, during the continuance of the policy, in accordance with such assessment.

Assessments.

(4) The directors of the Company may determine each year, in advance, the amount of the assessment on the deposit notes required to be made to meet the estimated annual losses and expenses for the year, and for a reserve fund as hereinafter provided.

Reserve
fund.

(5) The directors may, in fixing the assessments, provide for the creation and maintenance of a reserve fund, to remain in the possession of the Company after the payment of its ordinary expenses and losses, but the yearly assessment for such fund shall not at any time exceed ten per centum of the amount of the deposit or premium notes.

Publication
of notice of
amount of
assessments.

(6) Notice of the total amount of assessments on deposit notes to be paid in any year shall be given in the form provided by the by-laws of the Company, by a circular mailed by post to each member.

Cancellation
of mutual
policies.

12. (1) Any policy issued on the mutual system may be cancelled by the holder thereof by giving written notice to that effect by mail to the Company and on such cancellation the policyholder shall cease to be a member of the Company, but on such cancellation or if the Company cancels any such policy in accordance with the conditions thereof the policyholder shall nevertheless be liable to pay his proportion of losses and expenses to the Company up to the time of such cancellation and on so doing he shall be entitled to a return of his deposit note and the deposit note shall thereupon be null and void.

Power of
Company to
deduct from
payment due
under a loss.

(2) Should a loss occur on the property insured by a policy on the mutual system, the board of directors may retain, by deduction from the amount of the loss, the unpaid amount of the deposit note given for the insurance of such property, until the expiration of the term for which the insurance was contracted and at the expiration of such term the insured may withdraw such part of the amount retained as has not been assessed.

Delivery up of
deposit note.

(3) When a policy on the mutual system expires or is cancelled and the assessments or contribution to the date

of expiration or cancellation are paid, the deposit note is null and void, and shall be delivered to the signer thereof on demand.

13. (1) The Company may sue for and recover, with costs, the assessments on the deposit notes of the policyholders who have refused or neglected to pay to the Company the sum of money which the directors have declared to be payable on such deposit notes, but no action or proceeding shall be commenced against any policyholder for the recovery of any assessment within the thirty days following the date when said assessment becomes due.

(2) In all suits for the recovery of assessments, the certificate of the secretary-treasurer of the Company shall be *prima facie* evidence that the same are due and that all formalities have been complied with.

14. (1) Any policyholder on the mutual system of the Company who fails to pay any assessment within three months from the due date mentioned in the notice of assessment shall not be entitled to recover from the Company for any loss which he may sustain thereafter; provided that a demand has been transmitted by registered letter, to such policyholder, for the payment of such assessment before such loss occurred; provided also that when such assessment shall have been paid, such policyholder shall resume his title to recover from the Company for any loss he may sustain thereafter.

(2) No action or proceeding for the recovery of any assessment shall be a waiver of any forfeiture incurred by the non-payment of such assessment and such forfeiture shall not relieve any policyholder from his liability to pay such assessment or any subsequent assessment.

15. All the assets of the Company, including the deposit notes or premium notes given by policyholders on the mutual system, shall be liable for losses occurring on all the policies of the Company, whether on the cash premium or on the mutual system.

16. In the event of the winding-up of the Company if the assets on hand at the date of winding-up, exclusive of the unpaid balance of the shareholders' subscriptions, and exclusive of the unearned portion of the deposit or premium notes of the policyholders on the mutual system, are insufficient to pay all the liabilities of the Company in full, a call shall be made upon the shareholders of the Company, not exceeding the unpaid balance of their subscriptions, and if the amount yielded by such call is insufficient to provide the deficiency, an assessment shall be made on the said policyholders in respect of their deposit or premium notes to an amount not exceeding the unpaid balance of such notes.

Suits for assessments.

Effect of non-payment of assessments.

Waiver not to result.

Liability of assets for losses on policies.

Duration of policies.

17. No policy on the mutual system issued by the Company shall extend over a period greater than five years.

Distributions to policy-holders on cash system.

18. The directors may from time to time, out of the earnings of the Company, distribute equitably to the holders of participating policies on the cash plan issued by the Company such sums as in the judgment of the directors are proper and justifiable.

Power to acquire rights, etc., of a certain Quebec insurance company.

19. (1) The Company may acquire the whole or any part of the rights and property, and may assume the obligations and liabilities of The Equitable Fire Insurance Company (Mutual Stock), (la Compagnie Equitable Assurance Contre le Feu (capital mutuel)), incorporated in May 1901, under section seventeen of chapter three, title eleven (sections 5264 and following) of the Revised Statutes of Quebec, 1888, with the additional powers provided for by 7 Edward VII, Chapter one hundred and twelve, and 3 George VI, Chapter one hundred and thirty-eight, hereinafter called "the provincial company"; and in the event of such acquisition and assumption the Company shall perform and discharge all such obligations or liabilities of the provincial company in respect to the rights and property acquired as are not performed and discharged by the provincial company.

Duties in such event.

(2) No agreement between the Company and the provincial company providing for such acquisition and assumption shall become effective until it has been submitted to and approved by the Treasury Board of Canada.

Approval of Treasury Board.

20. This Act shall come into force on a date to be specified by the Superintendent of Insurance in a notice in *The Canada Gazette*; and such notice shall not be given until this Act has been approved by a resolution adopted by at least two-thirds of the votes of the members of the provincial company present or represented by proxy at a meeting duly called for that purpose, nor until the Superintendent of Insurance has been satisfied by such evidence as he may require that such approval has been given and that the provincial company has ceased to do business or will cease to do business forthwith upon a certificate of Registry being issued to the Company.

Conditions for bringing this Act into force.

21. Except as hereinbefore provided, *The Canadian and British Insurance Companies Act, 1932*, shall apply to the Company.

1 ELIZABETH III.

CHAP. 62.

An Act to incorporate The Great Eastern Insurance Company.

[Assented to 18th June, 1952.]

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Roger Gerald MacIsaac, insurance manager, of the city of St. Lambert, Harold Michael McLaughlin, secretary-treasurer, of the city of Montreal, and Rene Labelle, one of Her Majesty's counsel, of the town of Mount Royal, all in the province of Quebec, together with such other persons as become shareholders in the company are incorporated under the name of "The Great Eastern Insurance Company" hereinafter called "the Company".
Incorporation. Corporate name.
2. The persons named in section one of this Act shall be the provisional directors of the Company.
Provisional directors.
3. The capital stock of the Company shall be one million dollars divided into ten thousand shares of a par value of one hundred dollars each.
Capital stock.
4. The amount to be subscribed before the general meeting for the election of directors is called shall be two hundred and fifty thousand dollars.
Subscription before general meeting.
5. The head office of the Company shall be in the city of Montreal, in the province of Quebec.
Head office.
- 6.

Classes of insurance authorized.

6. The Company may undertake, transact and make contracts of insurance for all or any of the following classes of insurance:

- (a) fire insurance;
- (b) accident insurance;
- (c) aircraft insurance;
- (d) automobile insurance;
- (e) boiler insurance;
- (f) credit insurance;
- (g) earthquake insurance;
- (h) explosion insurance;
- (i) falling aircraft insurance;
- (j) forgery insurance;
- (k) guarantee insurance;
- (l) hail insurance;
- (m) impact by vehicles insurance;
- (n) inland transportation insurance;
- (o) live stock insurance;
- (p) machinery insurance;
- (q) marine insurance;
- (r) personal property insurance;
- (s) plate glass insurance;
- (t) real property insurance;
- (u) sickness insurance;
- (v) sprinkler leakage insurance;
- (w) theft insurance;
- (x) water damage insurance;
- (y) weather insurance;
- (z) windstorm insurance.

Subscription and payment of capital before commencing business.

7. (1) The Company shall not commence any business of insurance until at least two hundred and fifty thousand dollars of its capital has been *bona fide* subscribed and at least one hundred thousand dollars paid thereon. It may then transact the business of fire insurance and, in addition thereto, civil commotion insurance, earthquake insurance, falling aircraft insurance, impact by vehicles insurance, limited hail insurance, limited or inherent explosion insurance, sprinkler leakage insurance, water damage insurance, weather insurance and windstorm insurance, limited to the insurance of the same property as is insured under a policy of fire insurance of the Company.

Additional amount for certain classes of business.

(2) The Company shall not commence any of the other classes of business authorized by section six of this Act until the paid capital or the paid capital together with the surplus has been increased by an amount or amounts depending upon the nature of the additional class or classes of business as follows, that is to say:—for accident insurance, the said increase shall not be less than forty thousand dollars; for aircraft insurance, not less than

twenty thousand dollars; for automobile insurance, not less than twenty thousand dollars; for boiler insurance, excluding machinery insurance, not less than twenty thousand dollars; for civil commotion insurance, not less than five thousand dollars; for credit insurance, not less than twenty thousand dollars; for earthquake insurance, not less than ten thousand dollars; for explosion insurance, not less than twenty thousand dollars; for falling aircraft insurance, not less than ten thousand dollars; for forgery insurance, not less than twenty thousand dollars; for guarantee insurance, not less than fifty thousand dollars; for hail insurance, not less than twenty-five thousand dollars; for impact by vehicles insurance, not less than five thousand dollars; for inland transportation insurance, not less than ten thousand dollars; for live stock insurance, not less than twenty thousand dollars; for machinery insurance, not less than twenty thousand dollars; for marine insurance, not less than fifty thousand dollars; for personal property insurance, not less than ten thousand dollars; for plate glass insurance, not less than ten thousand dollars; for real property insurance, not less than ten thousand dollars; for sickness insurance, not less than ten thousand dollars; for sprinkler leakage insurance, not less than ten thousand dollars; for theft insurance, not less than twenty thousand dollars; for water damage insurance, not less than ten thousand dollars; for weather insurance, not less than ten thousand dollars; for wind-storm insurance, not less than twenty-five thousand dollars.

(3) The Company shall, during the five years next after the date of its being registered for the transaction of fire insurance, increase its paid capital and surplus so that at the end of the first year it will be at least fifteen thousand dollars more than is required under the foregoing subsections of this section, and at the end of the second year at least thirty thousand dollars more than so required, and at the end of the third year at least forty-five thousand dollars more than so required, and at the end of the fourth year at least sixty thousand dollars more than so required, and at the end of the fifth year, at least seventy-five thousand dollars more than so required.

(4) Notwithstanding anything to the contrary contained in this section, the Company may transact all or any of the classes of insurance business authorized by section six of this Act when the amount of capital subscribed amounts to at least five hundred thousand dollars and the amount paid on its subscribed capital together with the surplus amounts to at least five hundred thousand dollars.

(5) In this section, the word "surplus" means excess of assets over liabilities, including the amount paid on

Periodic increase of paid capital and surplus.

When Company may transact any or all classes of insurance business.

account of capital stock and the reserve of unearned premiums calculated *pro rata* for the unexpired term of all policies of the Company in force.

1932, c. 46,
to apply.

8. *The Canadian and British Insurance Companies Act, 1932*, shall apply to the Company.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

1 ELIZABETH II.

CHAP. 63.

An Act to incorporate The Hotel Mutual Insurance Company.

[Assented to 29th May, 1952.]

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Douglas Earl George, bank manager, of Edson, in the Province of Alberta, Eugene Pechet, hotel proprietor, and Russell Driscoll, barrister, both of the city of Edmonton, in the Province of Alberta, together with such persons as become shareholders in the company or as become policy-holders on the mutual system in the company, are hereby incorporated under the name of "The Hotel Mutual Insurance Company," hereinafter called "the Company".

Corporate name.

2. The persons named in section one of this Act shall be the provisional directors of the Company.

Provisional directors.

3. The capital stock of the Company shall be three million dollars, divided into thirty thousand shares of one hundred dollars each: Provided always that the Company may by by-law increase its capital stock to a sum not exceeding five million dollars.

Capital stock.

Proviso.

4. The amount to be subscribed before the general meeting for the election of directors is called shall be two hundred and fifty thousand dollars.

Subscription before general meeting.

5. The head office of the Company shall be in the city of Edmonton, in the province of Alberta.

Classes of
insurance
authorized

6. The Company may make contracts of insurance upon the cash premium system or upon the mutual system for:

- (a) fire insurance;
- (b) accident insurance;
- (c) aircraft insurance;
- (d) automobile insurance;
- (e) boiler insurance;
- (f) credit insurance;
- (g) earthquake insurance;
- (h) explosion insurance;
- (i) falling aircraft insurance;
- (j) forgery insurance;
- (k) guarantee insurance;
- (l) hail insurance;
- (m) impact by vehicles insurance;
- (n) inland transportation insurance;
- (o) live stock insurance;
- (p) machinery insurance;
- (q) marine insurance;
- (r) personal property insurance;
- (s) plate glass insurance;
- (t) real property insurance;
- (u) sickness insurance;
- (v) sprinkler leakage insurance;
- (w) theft insurance;
- (x) water damage insurance;
- (y) weather insurance;
- (z) windstorm insurance.

Commencement
of business.

7. (1) The Company shall not commence any business of insurance until at least five hundred thousand dollars of its capital stock has been *bona fide* subscribed and at least three hundred thousand dollars paid thereon. It may then transact the business of fire insurance, boiler insurance, plate glass insurance, public liability insurance, and, in addition thereto, civil commotion insurance, earthquake insurance, limited or inherent explosion insurance, falling aircraft insurance, impact by vehicles insurance, limited hail insurance, sprinkler leakage insurance, weather insurance, water damage insurance, and windstorm insurance, limited to the insurance of the same property as is insured under a policy of fire insurance by the Company.

Other classes
of insurance.

(2) Except as otherwise provided by *The Canadian and British Insurance Companies Act, 1932*, the Company shall not transact the other classes of insurance business authorized by section six of this Act, or any of them, until the paid capital together with the surplus of the Company amounts to at least two million dollars.

(3) In this section the word "surplus" means the excess of assets over liabilities, including the amount paid on account of capital stock and the reserve of unearned premiums calculated *pro rata* for the unexpired term of all policies of the Company in force. "Surplus" defined.

8. (1) Every holder of a policy of fire insurance of the Company on the mutual system shall be a member thereof during the period specified in his policy and shall, during such period, be subject to the provisions of this Act and the by-laws of the Company, but he may without the consent of the Company withdraw therefrom upon the terms and conditions hereinafter specified.

(2) Every such policyholder shall before he receives his policy deposit his note or undertaking payable on demand to the Company only, endorsed to the satisfaction of the directors, and for a sum of monies proportioned according to the classification of risks established by the directors. Deposit of note.

9. At all meetings of the Company, each holder of a policy of fire insurance on the mutual system who is not in default in respect of any assessment on his deposit note shall have one vote for each five thousand dollars of fire insurance on the mutual system held by him up to a maximum of ten votes per member, and may not vote by proxy unless the proxy himself is a policyholder and entitled to vote. Voting at meetings. Proxies.

10. The Company shall provide by by-law for the election of a majority of the board of directors by the shareholders and of the remainder of the board by the policyholders on the mutual system, provided that the directors elected by the policyholders on the mutual system shall form not less than one-third of the board. Any policyholder who is not a shareholder and who holds a policy or policies of fire insurance on the mutual system to the amount of at least five thousand dollars shall be eligible to be a policyholders' director, but he shall cease to be such director if the amount of his insurance as aforesaid becomes reduced below the sum of five thousand dollars. Election of directors.

11. If any shareholder of the Company is a corporation, such corporation may by resolution of its directors or other governing body authorise such officer of the corporation as it thinks fit to act as its representative at any meeting of shareholders of the Company and such officer, so authorized, shall be entitled to the same rights, may be elected to the same offices and may exercise the same powers as the rights to which the corporation would be entitled, the offices to which it could be elected and the powers it could exercise if it were an individual shareholder. Corporation shareholders.

Directors.

12. (1) There shall be elected at the first annual meeting a board of not less than nine nor more than twenty-one directors, who shall hold office for one year but shall be eligible for re-election.

(2) The Company shall, by by-law passed not less than three months prior to the holding of its second annual meeting after the passing of this Act, determine the number of directors to be elected at that and at subsequent annual meetings until otherwise changed by by-law.

(3) At any annual meeting after the second the Company may by by-law change, or authorize the board of directors to change from time to time, the number of directors but the board shall at all times consist of not less than nine nor more than twenty-one directors, and in the event of any increase in the number of directors having been made by the directors, the vacancy or vacancies, on the board thereby created may be filled by the directors from among the qualified shareholders and policyholders to hold office until the next annual meeting.

(4) The Company may by by-law provide that all of the directors shall be elected for one, two or three years, and if the by-law provides for a term of two or three years it may also provide that the term of office of each director shall be for the whole of that term, or that, as nearly as may be, one-half the directors shall retire each year if the term is two years, and, as nearly as may be, one-third of the directors shall retire each year if the term is three years; but a director who has completed his term of office shall be eligible for re-election.

Liability of assets for losses on policies.

13. All the assets of the Company including the premium notes given by policyholders on the mutual system shall be liable for losses occurring on all the policies of the Company, whether on the cash premium or the mutual system.

Winding-up.

14. In the event of the winding-up of the Company if the assets on hand at the date of winding up, exclusive of the unpaid balance of the shareholders' subscriptions, and exclusive of the unearned portion of the premium notes of the policyholders on the mutual system, are insufficient to pay all the liabilities of the Company in full, a call shall be made upon the shareholders of the Company, not exceeding the unpaid balance of their subscriptions, and if the amount yielded by such call is insufficient to provide the deficiency, an assessment shall be made on the said policyholders in respect of their premium notes to an amount not exceeding the unpaid balance of such notes.

15. (1) A cash payment on account of the premium note in such amount as the directors may determine by their by-laws may be demanded and received from a policyholder on the mutual system before he obtains his policy and the remainder shall be payable wholly or in part at any time when the directors deem the same to be necessary for the payment of the losses or expenses of the Company.

(2) Every policyholder on the mutual system shall pay his proportion of all losses and expenses incurred, and the premium notes belonging to the Company shall be assessed under the direction of the board of directors at such intervals from their respective dates, for such sums as the directors determine, and for such further sums as they may think necessary to meet the losses and other expenditure incurred during the currency of the policies for which the said notes were given, and in respect to which they are liable to assessment. Every policyholder on the mutual system shall pay such sums, during the continuance of the policy, in accordance with such assessment.

(3) The directors of the Company may determine each year, in advance, the amount of the assessment on the premium notes required to be made to meet the estimated annual losses and expenses for the year, and for a reserve fund as hereinafter provided.

(4) The directors may, in fixing the assessments, provide for the creation and maintenance of a reserve fund, to remain in the possession of the Company after the payment of its ordinary expenses and losses, but the yearly assessment for such fund shall not at any time exceed ten per centum of the amount of the premium notes.

16. If the assessment on the premium note or undertaking upon any policy be not paid within thirty days after the day on which the said assessment shall become due the policy of insurance for which the said assessment shall have been made shall be null and void as respects all claims for losses occurring during the time of such non-payment: Provided always that the said policy shall be reinstated when such assessment shall have been paid, unless the secretary give notice to the contrary to the assessed party; but nothing shall relieve the assured party from his liability to pay such assessment or any subsequent assessments.

17. If any member or other person who has given a premium note or undertaking shall, for thirty days after the due date mentioned in the notice of assessment, neglect or refuse to pay said assessment the Company may sue for and recover the same with costs of suit and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment.

Cash payment on premium note.

Liability for losses and expenses.

Assessments.

Reserve fund.

Effect of non-payment of assessment.

Proviso.

Right to sue for amount of assessment.

Cancellation
of mutual
policies.

18. (1) Any policy issued on the mutual system may be cancelled by the holder thereof by giving written notice to that effect by registered mail to the Company and on such cancellation the policyholder shall cease to be a member of the Company, but on such cancellation or if the Company cancels any such policy in accordance with the conditions thereof the policyholder shall nevertheless be liable to pay his proportion of losses and expenses to the Company up to the time of such cancellation and on so doing he shall be entitled to a return of his deposit note and the deposit note shall thereupon be null and void.

Power of
Company to
deduct from
payment due
under a loss.

(2) Should a loss occur on the property insured by a policy on the mutual system, the board of directors may retain, by deduction from the amount of the loss, the unpaid amount of the deposit note given for the insurance of such property, until the expiration of the term for which the insurance was contracted and at the expiration of such term the insured may withdraw such part of the amount retained as has not been assessed.

Delivery up
of deposit
note.

(3) When a policy on the mutual system expires or is cancelled and the assessments or contribution to the date of expiration or cancellation are paid, the deposit note is null and void, and shall be delivered to the signer thereof on demand.

Distribution
of earnings
to participat-
ing
policy-
holders.

19. The directors may from time to time, out of the earnings of the Company, distribute equitably to the holders of participating policies on the cash plan issued by the Company such sums as in the judgment of the directors are proper and justifiable.

1932, c. 46 to
apply.

20. The provisions of *The Canadian and British Insurance Companies Act, 1932*, shall apply to the Company except as otherwise provided in this Act.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

1 ELIZABETH II.

CHAP. 64.

An Act to incorporate The Perth Mutual Fire Insurance Company.

[Assented to 29th May, 1952.]

WHEREAS a petition has been presented praying that it Preamble. be enacted as hereinafter set forth and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Harry William Strudley, manufacturer, John Alexander Makins, retired police magistrate, Rolph Meredith Trow, manufacturer, William John Anderson, retired manufacturer, Charles Dobson Dingman, publisher, James Morgan Riddell, Queen's Counsel, Henry St. George Lee, retired bank manager, David Smith, physician, all of the city of Stratford in the province of Ontario; Harold Wilson Maxwell, manufacturer, of the town of St. Mary's in the province of Ontario, together with such persons as become policyholders on the mutual system in the company, are incorporated under the name of "The Perth Mutual Fire Insurance Company" hereinafter called "the Company". Corporate name. Incorporation

2. The head office of the Company shall be in the city Head office. of Stratford in the province of Ontario.

3. The persons named in section one of this Act shall Provisional directors. be the provisional directors of the Company, and shall remain in office until replaced by directors duly elected in their stead.

4. The Company may make contracts for any of the following classes of insurance upon either the cash premium Classes of insurance authorized. or the mutual system:—

- (a) accident insurance;
- (b) aircraft insurance;
- (c) automobile insurance;

- (d) boiler insurance;
- (e) credit insurance;
- (f) earthquake insurance;
- (g) explosion insurance;
- (h) falling aircraft insurance;
- (i) fire insurance;
- (j) forgery insurance;
- (k) guarantee insurance;
- (l) hail insurance;
- (m) impact by vehicles insurance;
- (n) inland transportation insurance;
- (o) live stock insurance;
- (p) marine insurance;
- (q) personal property insurance;
- (r) plate glass insurance;
- (s) real property insurance;
- (t) sickness insurance;
- (u) sprinkler leakage insurance;
- (v) theft insurance;
- (w) water damage insurance;
- (x) weather insurance;
- (y) windstorm insurance.

Commencement of business.

(5. 1) The Company may transact the business of fire insurance when bona fide applications have been received for insurance on the mutual system to an amount of at least two million dollars.

Other classes of insurance.

(2) Except as otherwise provided by *The Canadian and British Insurance Companies Act, 1932*, the Company shall not transact the business of the other classes of insurance mentioned in section four of this Act, or any of them, until its surplus amounts to at least five hundred thousand dollars.

“Surplus” defined.

(3) In this section the word “surplus” means the excess of assets over liabilities, including the reserve of unearned premiums calculated *pro rata* for the unexpired term of all policies of the Company.

Election of directors.

(6. 1) There shall be elected at the first annual meeting and at each subsequent annual meeting of the Company a board of not less than nine nor more than twenty-one directors, who shall hold office as hereinafter provided.

Term of office.

(2) The Company shall, by by-law passed not less than three months prior to the holding of its second annual meeting after the passing of this Act, determine the number of directors to be elected at the said annual meeting by the policyholders on the mutual system. The Company may by the said by-law provide that the directors shall be elected for one, two or three years. If the by-law provides for two years’ or three years’ term of office, it may also provide either (a) that the term of office shall be continuous for all

directors or (b) that a certain proportion, not less than one-third, shall retire annually. All retiring directors shall be eligible for re-election.

7. Any policyholder on the mutual system who holds a policy or policies to the amount of at least one thousand dollars and who is not in default in respect of his premium note or any instalment or assessment on his premium note and who has paid in cash all liabilities incurred by him to the Company shall be eligible to be elected as a director, but he shall cease to be such director if the amount of his insurance as aforesaid becomes reduced below the sum of one thousand dollars.

8. At all meetings of the Company each policyholder on the mutual system who is not in default in respect of his premium note or any instalment or assessment on his premium note shall be entitled to the number of votes on the basis of the amount of insurance held by him on the mutual system according to the following scale; under fifteen hundred dollars, one vote; fifteen hundred dollars to three thousand dollars, two votes; and three thousand dollars or over, three votes. Such policyholder may not vote by proxy unless the proxy himself is a policyholder on the mutual system and entitled to vote. The instrument appointing a proxy shall be in writing and shall not be valid unless executed within three months of the date of the meeting at which it is to be used, and unless filed with the secretary of the Company at least ten days before such meeting, and shall be used at such meeting or any adjournment thereof, and may be revoked at any time prior to such meetings.

9. (1) Notice of every annual or special general meeting of the Company shall be sent by post to every policyholder on the mutual system and shall be published in two or more daily newspapers published at or near the place where the head office is located at least fifteen days previous to the day of the meeting.

(2) The directors shall at least seven days prior to the date of the annual meeting send to every policyholder on the mutual system by post the annual statement for the year ending on the last previous thirty-first day of December, which statement shall be certified by the auditors of the Company.

10. All the assets of the Company, including the premium notes given by policyholders, shall be liable for losses occurring on all the policies of the Company. A policy-

Qualifications of directors.

Voting at meetings.

Notice of meetings.

Annual statement.

Liability of assets for losses on policies.

holder of the Company on the mutual system shall be liable in respect of any loss or other claim or demand against the Company to the extent of the amount unpaid upon his premium note and no more.

Provision for meeting deficiency of assets if Company is wound-up.

11. In the event of the winding-up of the Company if the assets on hand at the date of winding-up, exclusive of the unearned portion of the premium notes of the policy-holders on the mutual system, are insufficient to pay all the liabilities of the Company in full, an assessment shall be made on the said policyholders in respect of their premium notes to an amount not exceeding the unpaid balance of such notes.

Assessment of premium notes and undertakings.

12. All premium notes and undertakings belonging to the Company shall be assessed under the direction of the board of directors at such intervals from their respective dates, and for such sums, as the directors shall determine; and every policyholder on the mutual system who has given a premium note or undertaking shall pay the sums from time to time payable by him to the Company during the continuance of his policy in accordance with such assessment.

Effect of non-payment of assessment.

13. If the assessment on the premium note or undertaking upon any policy be not paid within thirty days after the day on which the said assessment shall become due the policy of insurance for which the said assessment shall have been made shall be null and void as respects all claim for losses occurring during the time of such non-payment: Provided, always, that the said policy shall be reinstated when such assessment shall have been paid, unless the secretary give notice to the contrary to the assessed party; but nothing shall relieve the assured party from his liability to pay such assessment or any subsequent assessments.

Right to sue for amount of assessment.

14. If any member or other person who has given a premium note or undertaking shall, for thirty days after the due date mentioned in the notice of assessment, neglect or refuse to pay said assessment the Company may sue for and recover the same with costs of suit and such proceeding shall not be a waiver of any forfeiture incurred by such non-payment.

Power of Company to deduct from payment due under a loss.

15. If there be any loss on property insured by the Company, the board of directors may deduct the amount of the premium note, less any paid assessments thereon, from the payment due under the loss and retain the amount so deducted until the time has expired for which insurance has been made, and at the expiration of the said time the

insured shall have the right to demand and receive such part of the retained sum as shall not have been assessed against.

16. No insurance on the cash plan shall make the insured a member of the Company or liable to contribute or pay any sum to the Company or to its funds or to any other member thereof beyond the cash premium agreed upon or give him any right to participate in the profits or surplus funds of the Company.

17. The directors may from time to time out of the earnings of the Company distribute equitably to the holders of policies issued by the Company on the mutual system such sums as in the judgment of the directors are proper and justifiable.

18. (1) The Company may acquire by agreement to insure or otherwise the whole or any part of the rights and property, and may assume the obligations and liabilities of, The Perth Mutual Fire Insurance Company incorporated in the year 1863 under the laws of the province of Upper Canada pursuant to the provisions of chapter fifty-two of the Consolidated Statutes of Upper Canada, 1859, being an Act entitled "An Act respecting Mutual Fire Insurance Companies", in this Act called "the provincial Company", and in the event of such acquisition and assumption the Company shall perform and discharge all such duties, obligations and liabilities of the provincial Company in respect to the rights and property acquired as are not performed and discharged by the provincial Company.

(2) No agreement between the Company and the provincial Company providing for such acquisition and assumption shall become effective until it has been submitted to and approved by the Treasury Board of Canada.

(3) An offer by the provincial Company to make such an agreement shall be deemed to be a bona fide application for insurance for the purposes of section five of this Act.

(4) Upon and after approval of such agreement by the Treasury Board of Canada it shall be deemed that the provincial Company and its undertaking has, without any breach of the continuity of its corporate existence, become merged into the Company.

19. This Act shall come into force on a date to be specified by the Superintendent of Insurance in a notice in the *Canada Gazette*. Such notice shall not be given until this Act has been approved by a resolution adopted by at least two-thirds of the votes of the members of the provincial

Effect of insurance on cash plan.

Distribution to policy-holders on mutual system.

Power to acquire rights, etc., of a certain Ontario insurance company.

Duties in such event.

Approval of Treasury Board.

Special application of section five of this Act.

Effect of merger of provincial company.

Conditions for bringing this Act into force.

Company present or represented by proxy at a meeting duly called for that purpose nor until the Superintendent of Insurance has been satisfied by such evidence as he may require that such approval has been given and that the provincial Company has ceased to do business or will cease to do business forthwith upon a certificate of registry being issued to the Company.

Application of 1932, c. 46. **20.** The provisions of *The Canadian and British Insurance Companies Act, 1932*, shall apply to the Company except as otherwise provided in this Act.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

1 ELIZABETH II.

CHAP. 65.

An Act respecting the Board of Elders of the Canadian District of the Moravian Church in America.

[Assented to 29th May, 1952.]

WHEREAS the Board of Elders of the Canadian District of the Moravian Church in America, a corporation incorporated by chapter one hundred and twelve of the statutes of Canada 1909, has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section one of an Act to incorporate the Board of Elders of the Canadian District of the Moravian Church in America, chapter one hundred and twelve of the statutes of 1909, is amended by inserting after the word “successors” the words “together with such additional persons not exceeding two”.

2. Section two of the said Act is repealed and the following substituted therefor:

“**2.** (1) The head office of the Board shall be in the city Head office. of Edmonton, in the province of Alberta, or such other place in Canada as the Board may, from time to time, determine.

(2) Notice in writing shall be given to the Secretary of State by the Board of any change of the head office, and a copy of such notice shall be published forthwith in the *Canada Gazette*.

(3) The Board may, from time to time, by by-law, establish branch offices or agencies at any place in Canada or elsewhere.”

Limit as to
value.

3. Subsection two of section five of the said Act is repealed and the following substituted therefor:

“(2) The annual value of the real estate held in Canada by or in trust for the Board shall not exceed five hundred thousand dollars.”

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

1 ELIZABETH II.

CHAP. 66.

An Act respecting The Sisters of Charity of the House of Providence.

[Assented to 18th June, 1952.]

WHEREAS The Sisters of Charity of the House of Providence, a corporation incorporated by chapter thirty-seven of the statutes of 1951 (2nd session), has by its petition prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. The name of "The Sisters of Charity of the House of Providence", hereinafter called "the Corporation", is hereby changed to "Sisters of Providence of St. Vincent de Paul", but such change in name shall not in any way impair, alter or affect the rights or liabilities of the Corporation, or any bequest, gift or donation now made or which hereafter may be made to the Corporation whether by its original or its new name or any suit or proceeding now pending, or judgment existing, either by, or in favour of, or against the Corporation and which, notwithstanding such change in name of the Corporation, may be enforced and continued as if this Act had not been passed.

Preamble.
1951 (2nd
Sess.), c. 37.

Name
changed.
Existing
rights saved.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

1 ELIZABETH II.

CHAP. 67.

An Act respecting a certain patent application of
The Garrett Corporation.

[Assented to 18th June, 1952.]

WHEREAS The Garrett Corporation, of the City of ~~Preamble.~~ Los Angeles, in the State of California, one of the United States of America, hereinafter called "the Petitioner" has by its petition represented that it is the assignee, by a document in writing dated the ninth day of September, 1946, for valuable consideration, of United States Patent No. 2,358,301, for a "Gas Turbine", issued to one Max R. Brauns, a citizen of the Republic of Switzerland, on the sixteenth day of September, 1944, together with the sole and exclusive rights to apply for letters patent in all countries foreign to the United States, including the right to obtain a patent in Canada; that an application for a patent on the said invention was filed in the Canadian Patent Office, by the said Max R. Brauns, together with an assignment thereof to The Garrett Corporation, on the sixth day of January, 1947, under serial number 552,808; that the fee of twenty-five dollars payable under the provisions of section seventy-three of the Patent Act on filing of the application was duly paid; that on the fourteenth day of May, 1947, the Patent Act was amended by the addition thereto of section twenty-eight A and that through inadvertance no specific request for an extension as required by the proviso to paragraph (a) of subsection one of section twenty eight A of the Patent Act was ever made; and whereas pursuant to the provisions of section twenty-eight A the time for making such a request expired on the fifteenth day of May, 1948; that the Commissioner of Patents on the twenty-first day of February, 1951, refused to consider the said application under section twenty-eight A of the Patent Act because it did not contain a request for extension of time; and whereas by its petition the Petitioner has prayed that it may be enacted as hereinafter set forth and it is expedient

1935, c. 32.

to grant the prayer of the Petitioner: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Application
deemed to
have con-
tained request
for extension
1935, c. 32.

1. Application for Patent Serial Number 552,808 filed in the Patent Office of Canada on the sixth day of January, 1947, by Max R. Brauns, and assigned to The Garrett Corporation, shall be deemed to have contained a request for extension as required by paragraph (a) of subsection one of section twenty-eight A of the Patent Act.

Commis-
sioner of
Patents
directed to
act on
application.

2. The Commissioner of Patents is directed to consider and act on the said application as if it had contained a request for extension as required by section twenty-eight A of the Patent Act before the fifteenth day of May, 1948.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

1 ELIZABETH II.

CHAP. 68.

An Act respecting Gulf Pulp and Paper Company.

[Assented to 29th May, 1952.]

WHEREAS Gulf Pulp and Paper Company has by its petition <sup>Preamble
1902, c. 85;</sup> prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Section thirteen of chapter eighty-five of the statutes of 1902, is repealed and the following substituted therefor:

“13. (1) If authorized by by-law, duly passed by the directors and sanctioned by at least two-thirds of the votes cast at a special general meeting of the shareholders duly called for considering the by-law, the directors of the Company may from time to time:

- (a) borrow money upon the credit of the Company; Borrowing.
- (b) limit or increase the amount to be borrowed; Amount.
- (c) issue debentures or other securities of the Company; Issue of
debentures.
- (d) pledge or sell such debentures or other securities for such sums and at such prices as may be deemed expedient; Pledging.
- (e) mortgage, hypothecate, charge or pledge all or any of the real and personal property, undertaking and rights of the Company to secure any such debentures or other securities or any money borrowed or any other liability of the Company. Hypothe-
cation.

(2) Any such by-law may provide for the delegation of such powers by the directors to such officers or directors of the Company to such extent and in such manner as may be set out in such by-law.

(3) Nothing in this section contained shall limit or restrict the borrowing of money by the Company on bills of exchange or promissory notes made, drawn, accepted or endorsed on behalf of the Company.”

Power to
acquire
shares, etc.,
of other
companies.

Lend
money.

Assist other
companies
by loans, etc.

Invest
funds.

2. The Company shall have power:

- (a) to take, or otherwise acquire and hold shares, debentures or other securities of any other company having objects altogether or in part similar to those of the Company, or carrying on any business capable of being conducted so as, directly or indirectly, to benefit the Company, and to sell or otherwise deal with the same;
- (b) to lend money to any other company, or any society, firm or person, having dealings with the Company or with whom the Company proposes to have dealings or to any other company any of whose shares are held by the Company;
- (c) to raise and assist in raising money for, and to aid by way of bonus, loan, promise, endorsement, guarantee or otherwise, any other company with which the Company may have business relations or any of whose shares, debentures or other obligations are held by the Company and to guarantee the performance or fulfilment of any contracts or obligations of any such company or of any person with whom the Company may have business relations, and in particular to guarantee the payment of the principal of and interest on debentures or other securities, mortgages and liabilities of any such company; and
- (d) to invest and deal with the moneys of the Company not immediately required in such manner as may from time to time be determined.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

1 ELIZABETH II.

CHAP. 69.

An Act to incorporate The National Dental Examining Board of Canada.

[Assented to 18th June, 1952.]

WHEREAS the persons hereinafter named have by their petition prayed that it be enacted as hereinafter set forth and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Harold M. Cline, doctor of dental surgery, of the city of Vancouver in the province of British Columbia, Gustave Ratte, doctor of dental surgery, of the city of Quebec in the province of Quebec, and Don W. Gullett, doctor of dental surgery, of the city of Toronto, in the province of Ontario, together with such persons as may hereafter become members of the Board as hereinafter provided, are incorporated under the name of "The National Dental Examining Board of Canada", hereinafter called "the Board".

2. The persons named in section one of this Act shall be provisional members of the Board with power to organize the Board as in this Act provided.

3. The head office of the Board shall be at the city of Toronto, in the province of Ontario, or at such other place as the Board may determine by by-law from time to time.

4. (1) The Board shall be composed of
(a) one member appointed as its representative by the appropriate licensing body of each province in Canada; and
(b) two members appointed by the Council on Dental Education of the Canadian Dental Association.

Term of office.

(2) The term of office for each member of the Board shall be three years, except in respect of the members appointed to constitute the first Board.

Term of office of first Board.

(3) The term of office for one-half of the members of the first Board shall be two years and for the other one-half shall be four years; the members constituting each such one-half shall be chosen by lot in such manner as the Board may determine.

Re-appointment.

(4) A member of the Board on the expiration of his term of office, if properly qualified, shall be eligible for re-appointment.

If provincial licensing body fails to appoint a member to the Board.

(5) If the appropriate licensing body of any province fails to appoint a member of the Board within a reasonable time after a vacancy occurs, the Secretary of the Board shall notify such licensing body and require such licensing body to make such appointment and certify the result to the Board within one month of the date of service of the notice.

Members continue in office until successors appointed.

(6) All members of the Board shall continue in office until their successors are appointed or until expiration of their term of office if their successors are appointed before the expiration of such term of office.

Provincial licensing body may withdraw from Board.

5. (1) The appropriate licensing body of any province may at any time upon twelve month's notice to the Board, withdraw from participation in and recognition of the activities of the Board, and such licensing body shall not thereafter, so long as such withdrawal continues, be entitled to appoint any representative to the Board.

May again become associated with Board.

(2) The Board may upon the application of any licensing body which has so withdrawn, restore the participation and representation of such licensing body.

Purposes of the Board.

6. The purposes of the Board shall be

(a) to establish qualifying conditions for a single standard national dental certificate of qualification, which may be recognized by the dental profession as the highest in Canada;

(b) to ensure that the rules and regulations governing examinations will be acceptable to all participating licensing bodies and will provide for the conducting of examinations in a manner fair and equitable for all concerned; and

(c) to promote enactment, with the consent and at the instance of the corporate members of The Canadian Dental Association, of provincial legislation necessary or desirable to supplement the provisions of this Act.

Powers of the Board.

7. The Board shall have power to

(a) establish a qualification in dentistry such that it will be recognized by the appropriate licensing bodies in all the provinces of Canada;

- (b) determine and establish the qualifications for and conditions under which a person may obtain and hold a certificate of qualification as aforesaid and may be registered or restored to registration;
- (c) prescribe examinations to be undergone with respect to professional subjects and such other requirements for registration as the Board may require;
- (d) establish and maintain a body of examiners to hold examinations and recommend the granting of certificates of qualification;
- (e) issue a single type of certificate of qualification;
- (f) establish a register for Canada of dental practitioners who have been granted certificates of qualification by the Board;
- (g) delete from the register the name of any person whose provincial registration has been cancelled or suspended, and to restore such name to the register if and when such cancellation or suspension is reversed or terminated; and
- (h) publish and revise such register from time to time.

8. (1) The Board may make such by-laws and regulations, not contrary to law or the provisions of this Act, as it may deem necessary or advisable for By-laws.

- (a) the government and management of its business and affairs;
- (b) the selection and election or appointment and remuneration of officers and employees and prescription of their respective powers and duties;
- (c) the imposition and collection of dues or fees; and
- (d) the carrying into effect of the purposes of the Board and its powers under this Act.

(2) The Board may, from time to time alter or repeal all or any of such by-laws or regulations as it may see fit.

(3) No such by-law or regulation shall be enacted, altered or repealed except with the concurrence of two-thirds of the representatives on the Board of the provincial licensing bodies then represented on the Board.

9. The Board may acquire, own, hold, deal with and dispose of, subject to the provisions of applicable provincial laws, any real and personal estate and property rights and privileges necessary or expedient for the purposes of the Board. Board may hold property.

10. The Board shall have power to

- (a) borrow money on the credit of the Board when required for the purposes of the Board and to give security for any sum or sums of money so borrowed; and

Board may borrow money, etc.

(b) draw, make, accept and endorse all bills of exchange and promissory notes necessary for the purposes of the Board under the hands of such officers as may be designated by the by-laws and in no case shall it be necessary that the seal of the Board be affixed thereto nor shall the signing officers be individually responsible therefor, provided that nothing herein shall be construed to authorize the Board to issue notes or bills of exchange payable to bearer or intended to be circulated as money or as notes or bills of a bank.

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

1 ELIZABETH III.

CHAP. 70.

An Act respecting the Royal Canadian Academy of Arts.

[Assented to 29th May, 1952.]

WHEREAS the Royal Canadian Academy of Arts, a Preamble.
1882, c. 122;
1913, c. 190. corporation incorporated by chapter one hundred and ninety of the statutes of 1913, has prayed that it be enacted as hereinafter set forth, and it is expedient to grant the prayer of the petition: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. Subsection two of section two of The Charter of the Royal Canadian Academy of Arts chapter one hundred and ninety of the statutes of 1913, is repealed and the following substituted therefor:

“(2) The chief place of business of the Academy shall Chief place
of business. be in the city of Ottawa in the province of Ontario or such other place as the Academy may, by its by-laws, designate.”

2. Section three of the said Act is repealed and the following substituted therefor:

“**3.** The objects of the Academy are and shall be the Objects. encouragement, improvement and cultivation of the arts of painting, sculpture, architecture and of design in the graphic, decorative and industrial arts, and the promotion and support of education in all such arts, and for the purpose of attaining such objects, the Academy is authorized—

(a) to hold exhibitions in the principal cities of Canada Exhibitions. and elsewhere;

(b) to establish schools of art and design; Schools.

(c) to continue to aid in the advancement of the National National
Gallery. Gallery and to cooperate with the National Gallery in activities in which the Academy has an interest;

(d) to adopt such other means as the Academy may deem Generally. advisable.”

3. Section four of the said Act is repealed and the following substituted therefor:

Academicians and associates.

“**4.** (1) The Academy shall be composed of two orders of members, namely, academicians and associates. The academicians and associates composing the Academy shall be artists by profession and be either painters, sculptors, architects or designers, engaged in the graphic, decorative and industrial arts.

Number of academicians.

(2) The number of academicians shall not exceed forty-five, of which twenty-four shall be reserved for painters, six for sculptors, ten for architects, and five for designers; but the number of associates shall be unlimited save as otherwise determined by the Academy.”

4. Section five of the said Act is repealed and the following substituted therefor:

Qualification of academicians.

“**5.** (1) An academician is a member who shall have been duly elected as such from among the associates or who may have become an academician after having been a member of some other class of academicians in accordance with the by-laws, and shall have deposited in the National Gallery a work of art executed by him and approved by the Council, or, should it be impractical for him to deposit a work of art executed by him, shall have deposited evidence of his work in his particular branch of art in a form satisfactory to the Council and shall have complied with all other conditions prescribed by the by-laws of the Academy, and shall have received a diploma signed by the Governor General.

Diploma.

(2) Academicians shall have the right to vote in the general assembly and in all the affairs of the Academy, and in the election of academicians, associates, and officers except the associate members of the council.”

5. Section six of the said Act is repealed and the following substituted therefor:

Associates.

“**6.** (1) An associate is a member who is a Canadian citizen and domiciled in Canada at the time of his nomination and who shall have been duly elected and who shall have complied with all other conditions prescribed by the by-laws of the Academy.

Eligible for membership, on the Council and for certain offices.

(2) Associates shall be eligible for membership on the Council, and for such other offices as the Council may designate, except those of president, vice-president, and treasurer.

No vote at general assembly.

Exception.

Proviso.

(3) Associates shall have no vote at the general assembly, nor in any of the affairs of the Academy, except in the election of associate members of the Council, and in the election of academicians: Provided that an associate can vote only for an academician of the class to which such associate belongs.”

6. Section eight of the said Act is repealed. Repeal.

7. Section nine of the said Act is repealed and the following substituted therefor:

8. The government of the affairs of the Academy shall be vested exclusively in a Council to be composed of a president, a vice-president, a treasurer, eight ^{How} ~~academicians~~ ^{constituted.} and four associates."

8. Sections 10, 11, 12, 13, 14 and 15 of the said Act are renumbered as sections 9, 10, 11, 12, 13 and 14, ^{Sections} ~~renumbered.~~ respectively.

9. Paragraphs (d) and (h) of subsection one of section ten of the said Act are repealed and the following substituted therefor:

"(d) The discipline of members by suspension, expulsion or otherwise;"

"(h) To establish honorary, retired, non-resident and other classes of academicians and associates, and determine the membership thereof and their qualifications, and define their rights, privileges and obligations;"

EDMOND CLOUTIER, C.M.G., O.A., D.S.P.
QUEEN'S PRINTER AND CONTROLLER OF STATIONERY
OTTAWA, 1952

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LOCAL AND PRIVATE ACTS

SIXTH SESSION, TWENTY-FIRST PARLIAMENT, 1 ELIZABETH II, 1952.

Copies of Volume II of the Statutes—Divorce Acts—may be obtained from the Queen's Printer at \$5 per volume or of individual Acts at 10 cents each.

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